

Minutes

**KINGS RIVER CONSERVATION DISTRICT
Board of Directors Meeting**

Date: November 12, 2019 – Tuesday
Time: 1:30 p.m.
Location: 4886 E. Jensen Avenue, Fresno

President Stanfield called the meeting to order at 1:31 p.m.

DIRECTORS PRESENT

Paul Stanfield, President
Gregory Beberian, Vice President
Ceil W. Howe Jr.
Mark C. McKean
Chris Kapheim

DIRECTORS ABSENT

David Cehrs, Ph.D.
Mike Yoshimoto

OTHERS PRESENT

KRCD Staff
Paul Peschel
David Merritt
Brian Trevarrow
Cristel Tufenkjian (4:00 p.m.)
Charlotte Gallock
Debra Dunn
Eric Athorp

Consultants & Others
Ed Dittenbir, Kings River Water Association
Joe Hughes, Attorney (Via Phone)
Bill Swanson, Stantec
David Fey, Fresno LAFCO

ROUTINE OPENING BUSINESS

1. Additions to or Deletions from the Agenda
2. Public Presentations or Comments
 - a. None
3. Approval of Minutes of the October 08, 2019 Regular Board Meeting
 - a. It was moved by Director Howe, seconded by Director Kapheim, and unanimously carried, that the minutes of the October 8, 2019 Regular Board Meeting be approved as presented.

*(AYES: President Stanfield, Vice-President Beberian, Directors Howe, Kapheim, and McKean
-NOES: None - ABSENT: Directors Cehrs, and Yoshimoto)*

REPORTS

4. Water Conditions (KRWA Staff)

- a. Ed Dittenbir, from KRWA, reported that Kings River fishery flow requirements will be readily met through the first weeks of December. Below average precipitation is predicted through February of 2020.

5. Directors' Reports

- a. Director McKean and Director Kapheim reported attending the Regions 6 & 7 ACWA meeting.

6. Staff Reports

The Board received reports on the prior month's activities from members of the District management staff:

- a. David Merritt, Deputy General Manager/COO
- i. A report from the District's contractor – Bill Swanson of Stantec – reported on studies related to potentially raising Pine Flat and/or creating storage at Roger's Crossing and other locations.
- b. Paul Peschel, General Manager/Secretary
- i. When the Trump administration repealed the Obama administration's Waters of the United States (WOTUS) rule, they also updated the economic analysis of the repeal's costs and benefits. Instituting the economic analysis opens the analysis to legal challenges.
 - ii. The Supreme Court of the United States was struggling with the Maui v. Hawaii Wildlife Fund case. The case is important because it will determine whether pollution that passes through groundwater that is connected to rivers, lakes, and oceans is covered by the Clean Water Act (CWA). The justices are weighing a ruling that could allow polluters to easily evade federal jurisdiction against a ruling favoring environmentalist which could allow a significant increase in the number of people, including individual homeowners and farmers, who would be required to obtain permits.
 - iii. The California Water Commission (Commission) is conducting a public hearing on December 18, 2019 to consider the adoption of the Procedure for Water Infrastructure Improvements for the Nation Act (WIIN ACT) Determination regulations. The WIIN Act, charges the Commission with making a determination that California State led water storage projects applying for federal funding under the WIIN Act are consistent with Proposition 1. As such, the Commission is required to adopt regulations governing the process water projects must complete to obtain the Commission's determination. Funding would apply to projects similar to those presented by Bill Swanson.
 - iv. This month the SWRCB plans to issue guidance associated with the Water of the State (WOS) May amendments pertaining to Dredge & Fill and the Division of Water Right intends to issue guidance for groundwater recharge water rights.
 - v. The ACWA/JPIA Validation Litigation Pool presentation has been scheduled for January 08, 2020 at the Sunnyside Country Club.
 - vi. Mr. Peschel reported on his attendance at a meeting on Flood-MAR and his associated Policy and Socio-Economics Form Panel discussion.
- c. Cristel Tufenkjian, Director of External Affairs
- i. Ms. Tufenkjian submitted a written report and was not present at the time of her oral report.
- d. Charlotte Gallock, Director of Water Resources
- i. KRCD Subsidence Network and Survey: Ms. Gallock presented a StoryMap report to outline the boundaries of the network and demonstrate the survey process. The goal is to provide a service for subsidence monitoring, and to make this an annual priority. The last survey was done in 2016, in large part due to funding and prioritization. A cooperation agreement with GSAs is being pursued in order to assist in funding this project in an ongoing manner. The goal is to have a seven mile network.

- ii. CV-SALTS: Basin plan amendments were passed by the SWRCB. The opportunity for a 10 year extension to the exceptions policy was removed, so the time period for dischargers to reach compliance is 35 years.
- iii. Fill Stations: Hanford and Dinuba projects continue to move forward.
- e. Brian Trevarrow, Deputy General Manager/CFO
 - i. Mr. Trevarrow updated the Board on plans and progress for updating the District's internet capabilities, including Wi-Fi. Site surveys have begun, and currently Pine Flat is the more challenging variable in planned upgrades. The plan is to include security factors into any plans.

ACTION ITEMS

7. Authorization to Renew Office Rental Agreement between Kings River Conservation District and Kings River Water Association

- a. It was moved by Director McKean, seconded by Director Kapheim, and unanimously carried to authorize the General Manager to execute a letter to the Kings River Water Association expressing the District's intent to exercise its option to extend the lease for a 5 year period.

(AYES: President Stanfield, Vice-President Beberian, Directors Howe, Kapheim, and McKean - NOES: None - ABSENT: Directors Cehrs, and Yoshimoto)

8. Financial Report

a. Budget Expenditures (Brian Trevarrow)

The Auditor presented expenditure to budget comparison reports for the period ending October 31, 2019. In addition, the monthly investment report for October 2019 was presented.

b. Review of Monthly Disbursements (Paul Stanfield)

It was moved by Director Stanfield, seconded by Director Howe, and unanimously carried, that bills in the amount of \$1,137,648.26, as presented in the schedule of Disbursements and Current Accounts Payable, were approved and ordered paid.

(AYES: President Stanfield, Vice-President Beberian, Directors Howe, Kapheim, and McKean - NOES: None - ABSENT: Directors Cehrs, and Yoshimoto)

9. Resolution 19-09 Authorizing KRCD to Pursue a Grant for Planning Gravel Injection into the Kings River Fishery

- a. It was moved by Director Howe, seconded by Director McKean, and unanimously carried to adopt Resolution 19-09, authorizing KRCD to pursue a grant, through the Proposition 68 Grant process, for planning gravel injection into the downstream fishery on the Kings River.

(AYES: President Stanfield, Vice-President Beberian, Directors Howe, Kapheim, and McKean - NOES: None - ABSENT: Directors Cehrs, and Yoshimoto)

10. Appointment of Delegate for ACWA General Session Membership Meeting and Elections

- a. It was moved by Director Kapheim, seconded by Director McKean, and unanimously carried to appoint Paul Peschel as the delegate to represent the District during the ACWA General Session Membership Meeting and election of the ACWA President and Vice President set for December 4, 2019 and – if necessary – December 5, 2019.

(AYES: President Stanfield, Vice-President Beberian, Directors Howe, Kapheim, and McKean - NOES: None - ABSENT: Directors Cehrs, and Yoshimoto)

11. Fresno LAFCO Presentation

- a. This item was moved to be included under Closed Session item 12a.

12. CLOSED SESSION (2:31 p.m.)

- a. Government Code Section 54956.9(d)(4) To confer with its Legal Counsel regarding the initiation of one matter of litigation. (2:30 p.m. call-in from attorney)
- b. Government Code Section 54956.9 (d)(2) To confer with its Legal Counsel regarding exposure to one matter of one matter of potential litigation.
- c. Government Code Section 54957(b) To evaluate the performance of the General Manager

13. Reconvene to Open Session/Report Any Action Taken in Closed Session (3:38 p.m.)

- a. No action was taken during Closed Session.

ADJOURNMENT

There being no further business, President Stanfield adjourned the meeting at 4:16 p.m.

Paul G. Peschel
Board Secretary

Approved on _____, 2019
Board President

KINGS RIVER CONSERVATION DISTRICT
 Schedule of Disbursements and Current Accounts Payable
 Presented November 12, 2019
 (For Expenditures in the Month Ending October 31, 2019)

Employee Payroll	10/02/19	94,989.74	
Director's Payroll	10/08/19	3,211.08	
Employee Payroll	10/16/19	95,772.32	
Employee Payroll	10/30/19	103,534.95	
			297,508.09
Accounts Payable (KRCD)		746,433.08	746,433.08
	Sub-Total		1,043,941.17
Ready-Tax Electronic Funds Transfers:			
Employee Tax Deposits	10/09/19		44,286.55
Director's Tax Deposits	10/11/19		1,137.25
Employee Tax Deposits	10/23/19		48,283.29
	TOTAL		<u>1,137,648.26</u>